IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

OP.No. 33685 of 2000(I)

PETITIONERS:
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1. **P.NARENDRANATHAN, S/O.LATE P.P.PARAMESWARAN PILLAI, "BHAVANA" , VENGOOR, KIDANGOOR P.O., ANGAMALY, WHARF, SUPERINTENDENT, MATTANCHERY, WHARF, COCHIN PORT TRUST, WILLINGTON ISLAND.**

2. **M.K.JOY, ASSISTANT, EXECUTIVE ENGINEER (MECHANICAL), CONTAINER TERMINAL COCHIN PORT TRUST.**

3. **K.GOPALAKRISHNA PILLAI, ASSISTANT ENGINEER, COCHIN FISHERIES HARBOUR, COCHIN PORT TRUST.**

4. **K.V.CHANDRAN BOSE, WHARF SUPERINTENDENT CONTAINER FREIGHT STATION, COCHIN PORT TRUST.**

5. **V.K.GOPI, DEPUTY WHARF SUPERINTENDENT, CONTAINER TERMINAL, COCHIN PORT TRUST.**

6. **S.RAMA IYER, SECTION OFFICER, DOCK LABOUR DIVISION, COCHIN PORT TRUST.**

7. **N.I.DANIEL, DEPUTY CHIEF ACCOUNTANT, COCHIN PORT TRUST.**

8. **K.A.ANTONY, 181 A, SINGNALLER, DOCK LABOUR DIVISION, COCHIN PORT TRUST.**

BY ADV. SRI.KRB.KAIMAL (SR.)

RESPONDENTS:
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1. **UNION OF INDIA REPRESENTED BY THE SECRETARY, TO GOVERNMENT , MINISTRY OF SURFACE TRANSPORT, TRANSPORT BHAVAN, PARLIAMENT STREET, NEW DELHI 110001.**

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2. MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION (DEPARTMENT OF PERSONAL AND TRAINING) REPRESENTED BY ITS SECRETARY, NEW DELHI 110 001.

3. THE SECRETARY TO GOVERNMENT, MINISTRY OF SURFACE TRANSPORT , NEW DELHI 110 001.

4. COCHIN PORT TRUST REPRESENTED BY ITS CHAIRMAN WILLINGDON ISLAND , COCHIN 682 009.

BY ADV. SRI.A.N.KUTTAN, ADDL.CGSC
SRI.ANTONY DOMINIC
SRI.E.K.NANDAKUMAR
SRI.K.R.RAJKUMAR, ADDL.CGSC
SRI. AJITH KRISHNAN, ADDL.CGSC

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/02/2007, ALONG WITH OP NO. 34149 OF 2000 OP NO. 8492 OF 2001 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P.Nos.33685 & 34149 of 2000
and 8492 of 2001

Dated this the 21st day of February, 2007

JUDGMENT

The issue raised in these writ petitions pertains to dispute regarding reduction of retirement age from 60 to 58 under the Cochin Port Trust. It is seen from the counter affidavit that in exercise of their powers under Section 28 of the Major Port Trusts Act, 1963, Regulations have been framed revising the retirement age from 60 to 58 and that has been approved by the Central Government under Section 124 of the Act and the same were duly published also. In view of such intervening developments and also the fact that the petitioners have since retired from service and still the further fact that the retirement age is 58 in all the major Port Trusts in India, there is no merit in these writ petitions. They are accordingly dismissed. However, it is made clear that if any of the petitioners are otherwise entitled for pension treating the age as 60 under the Regulations, it is for them to approach the Port Trust in which case their eligibility will be duly examined by the Port.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.Nos.33685 & 34149/2000
and 8492/2001

JUDGMENT

21st February, 2007